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July 6, 2023

VIA ECF AND ELECTRONIC MAIL

Hon. Paul A Engelmayer
United States District Court Judge
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Ari Teman, 19 Cr. 696 (PAE) – Designation to BOP facility, request for motion deadline and request to continue bail and extend date of surrender

Dear Judge Engelmayer:

COURT ORDERS DATED JUNE 15, 2023, AND JUNE 26, 2023

I write in response to the Court's Orders dated June 15, 2023, and June 26, 2023. In those Orders, Your Honor instructed counsel to provide the Court with a recommendation regarding Mr. Teman's designation upon his surrender. After speaking with Mr. Teman and an individual experienced in BOP placement, I propose that the Court recommend to the BOP that Mr. Teman be designated at the Federal Prison Camp, Miami.

MOTION SCHEDULE AND REQUEST TO CONTINUE BAIL AND EXTEND DATE OF SURRENDER

I also write to ask that the Court schedule a filing deadline for a motion pursuant to 28 U.S.C. §2255, by Monday, September 21, 2023. We would also ask that the Court extend Mr. Teman's surrender date to a date after September 21, 2023, and continue bail during that time. Counsel was appointed on June 15, 2023, to this matter. The information in this case is voluminous, and Mr. Teman is familiar with the trial and sentencing transcripts, as well as the multiple other submissions on the docket. His assistance in quickly understanding the issues in this matter will be invaluable. To date, I have discussed with Mr. Teman various significant issues for briefing, and I need time to continue to speak with Mr. Teman about those issues and continue to identify additional issues for briefing.

Communication with Mr. Teman once he is incarcerated will be significantly restricted.

Merely scheduling a phone communication with a client at a BOP facility can be an onerous process. Once he is incarcerated, it is not possible to predict, 1) how long it will take to get into contact with Mr. Teman, 2) how much time he will be granted for legal calls, or 3) whether and to what extent the frequency and duration of the calls will be affected by unexpected lockdowns or impromptu inmate counts.

One thing further – continuing his surrender date until after counsel has had a chance to prepare and file a 2255 motion, will also allow the BOP time within which to consider the Court’s recommendation and determine an appropriate designation for Mr. Teman.

Mr. Teman has been tried, convicted and sentenced in this matter. He has remained at liberty on bail and has complied with all conditions. He remains today, as he has for the past 4 years, no danger to the community and no risk of flight. An additional 45 days will only prove to be helpful to counsel in preparing a 2255 motion on Mr. Teman’s behalf. The government opposes this request. However, there is no prejudice to the government. Accordingly, I request that the Court allow counsel to file a 2255 motion on behalf of Mr. Teman, by September 21, 2023, and extend Mr. Teman’s time to surrender to a date after September 21, 2023.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'K. Commissiong', written in a cursive style.

Karloff C. Commissiong, Esq.

Cc: A.U.S.A. Kedar Bhatia